



DOCKET NO.: RUBC-0025

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Martin, et al.

Application No.: 09/763,331

Filing Date: May 30, 2001

For: SYNTHETIC FATTY ACID DESATURASE GENE FOR EXPRESSION IN PLANTS

Confirmation No.: 4826

Group Art Unit: 1638

Examiner: Kallis, Russell

DATE OF DEPOSIT: 7/9/03

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED NAME: Janet E. Reed
REGISTRATION NO.: 36,252

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified

application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☒ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☒ Certification in Accordance with § 1.97(e) is attached;

or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith

EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. _____, filed _____.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Enclosed is a copy of the European Search Report dated **May 14, 2003**, which indicates the references to be relevant.

Date:

7/9/03



Janet E. Reed

Registration No. 36,252

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Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATION UNDER 37 CFR § 1.97(e)

In accordance with 37 CFR § 1.97(e), certification is hereby made that:

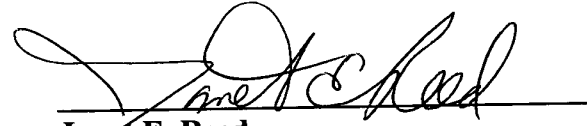


Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.



No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Date: 7/9/03



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Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Docket No. RUBC-0025	Application No. 09/763,331
	Applicant Martin, et al.	
	Filing Date May 30, 2001	Group 1638
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U. S. PATENT DOCUMENTS

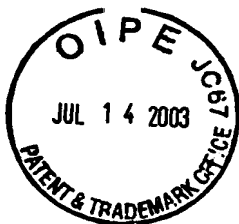
Examiner Initial		Document No.	Date	Name	Class	Subclass

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	32	EP 0 359 472 A2	03/21/90	EPO		
	33	WO 90/10076	09/07/90	PCT		
	34	WO 99/50430	10/07/99	PCT		

EXAMINER

DATE CONSIDERED



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		Applicant Martin, et al.	
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		Confirmation No. 4826	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	29	Choudhary, M.L. et al., "Agrobacterium Mediated Transformation of <i>Petunia Hybrida</i> with Yeast DELTA-9 Fatty Acid Desaturase", <i>Journal of Plant Growth Regulation</i> , 1994 , 15, 113-116, XP-002089854	
	30	Ishizaki-Nishizawa, O. et al., "Low-Temperature Resistance of Higher Plants is Significantly Enhanced by a Nonspecific Cyanobacterial Desaturase", <i>Nature Biotechnology</i> , 1996 , 14(1), 1003-1006, XP 002057130	
	31	Vemula, M. et al., "Mechanisms of mRNA Stability Regulation in OLE1, A Delta 9 Desaturase in <i>Saccharomyces</i> ", <i>FASEB Journal</i> , 1998 , 12(8), 1282, XP009010847	
EXAMINER		DATE CONSIDERED	